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[Proposed] Counsel for Martifer Aurora Solar, LLC.

Electronically Filed January 22, 2014

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

MARTIFER AURORA SOLAR, LLC,
a Nevada limited liability company,

Debtor.

Case No. BK-S-14-10355-abl

Chapter 11

**MOTION PURSUANT TO 11 U.S.C. § 521,
FED. R. BANKR. P. 1007 AND LOCAL
RULE 1007 FOR ORDER EXTENDING
TIME TO FILE SCHEDULES AND
STATEMENT OF FINANCIAL AFFAIRS**

Date: OST PENDING

Time: OST PENDING

Martifer Aurora Solar, LLC (“Debtor”), as debtor and debtor in possession, by and through its proposed counsel, the law firm of Fox Rothschild LLP, hereby submits this emergency motion (the “Motion”) for an order pursuant to section 521 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (as amended, the “Bankruptcy Code”), rule 1007 of the Federal Rules of Bankruptcy Procedure (as amended, the “Bankruptcy Rules”) and rule 1007 of the Local Rules of Bankruptcy Procedure for the District of Nevada (as amended, the “Local Rules”), authorizing an extension of time to file the schedules and statement of financial affairs required under Bankruptcy Code section 521(a)(1) (collectively, the “Schedules and SOFA”) and, in support thereof, respectfully represent as follows:

I.**BACKGROUND**

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

2. On January 21, 2014 (the "Petition Date"), Debtor filed a voluntary petition under chapter 11 thereby commencing the above-captioned bankruptcy case (the "Chapter 11 Case"). (See Dkt #1).

3. Debtor is authorized and continues to operate its business as debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. (See generally, Chapter 11 Case Docket). No request has been made for the appointment of an examiner or trustee, and no official committee has been appointed. (Id.).

4. The factual background relating to Debtor's commencement of this Chapter 11 Case is set forth in detail in the Omnibus Declaration of Klaus Bernhart (the "Omnibus Declaration") and is incorporated for all purposes herein by this reference.

II.**ARGUMENT**

Pursuant to Bankruptcy Code section 521 and Bankruptcy Rule 1007(c), Debtor is required to file, within 14 days of the Petition Date, the Schedules and SOFA. Bankruptcy Rule 1007(c) and Local Rule 1007(d) provide that an extension may be granted for cause on motion with notice to the appropriate parties.

By this motion, and for the reasons detailed below, Debtor requests an extension of the 14-day period to file the Schedules and SOFA to a 30-day period pursuant to Bankruptcy Rule 1007(c) and Local Rule 1007(d), without prejudice to Debtor's ability to request additional time should it become necessary. (See Omnibus Declaration).

On the Petition Date, in partial satisfaction of the requirements of Bankruptcy Rule 1007, Debtor filed with this Court a list of creditors holding the 20 largest unsecured claims against Debtor's estate. Due to the large number of pressing matters present in the early stages of this Chapter 11 Case,

1 Debtor anticipates that it will be unable to complete the Schedules and SOFA in the 14-day time period
2 established under Bankruptcy Rule 1007(c). (See Omnibus Declaration).

3 To prepare its Schedules and SOFA, Debtor must compile financial information from books,
4 records, and documents relating to its assets, contracts and claims of creditors. This information is
5 voluminous and assembling the necessary information requires a significant expenditure of time and
6 effort on the part of Debtor and its employees. While Debtor, with the help of professional advisors, is
7 working diligently and expeditiously on the preparation of the Schedules and SOFA, resources are
8 limited. (See Omnibus Declaration).

9 Creditors and other parties in interest will not be harmed by the proposed extension of the filing
10 deadline because, even under the extended deadline, the Schedules and SOFA would be filed in
11 advance of any bar date or other significant event in this Chapter 11 Case. (See Omnibus Declaration).

12 Accordingly, Debtor submits that, based upon the amount of information that must be assembled
13 and compiled, the limited resources available and the other more pressing items that must be addressed
14 at the inception of this Chapter 11 Case, good and sufficient cause exists for granting the requested
15 extension of time. At present, Debtor anticipates that it will require at least 30 days to complete the
16 Schedules and SOFA. Debtor, therefore, requests that the Court extend the filing period to and
17 including February 20, 2014, without prejudice to Debtor's ability to request additional time should it
18 become necessary. (See Omnibus Declaration).

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III.

CONCLUSION

WHEREFORE, Debtor respectfully requests that the Court grant this Motion and enter an order extending by at least 30 days the time within which Debtor must file its Schedules and SOFA, until February 20, 2014; and granting such other and further relief as the Court may deem just and appropriate.

DATED this 22nd day of January 2014.

FOX ROTHSCHILD LLP

By: /s/Brett A. Axelrod

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[Proposed] Counsel for Martifer Aurora Solar, LLC

*** PROPOSED FORM OF ORDER ***

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re

MARTIFER AURORA SOLAR, LLC, a
Nevada limited liability company,

Debtor.

Case No. BK-S-14-10355-abl

Chapter 11

**ORDER EXTENDING TIME TO FILE
SCHEDULES AND STATEMENT OF
FINANCIAL AFFAIRS**

This matter having come on for hearing on the ____ day of January, 2014, the Court having reviewed and considered the Motion (the "Motion")¹ of Martifer Aurora Solar, LLC, a Nevada limited liability company ("Aurora" or the "Debtor"), for an order, pursuant to section 521 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (as amended, the "Bankruptcy Code"), rule 1007 of the Federal Rules of Bankruptcy Procedure (as amended, the "Bankruptcy Rules") and rule 1007 of the

¹ Capitalized terms not herein defined shall have the meanings ascribed to them in the Motion.

1 Local Rules of Bankruptcy Procedure for the District of Nevada (as amended, the “Local Rules”),
 2 authorizing an extension of time to file the schedules and statements of financial affairs required under
 3 Bankruptcy Code Section 521(a)(1) (collectively, the “Schedules and SOFA”); appearances having
 4 been noted on the record, the arguments made by counsel, and the evidence submitted at the hearing on
 5 the Motion, and with the findings of the Court having been made on the record and incorporated
 6 herein, pursuant to Bankruptcy Rule 7052;

7 And notice of the Motion having been provided to the Office of the United States Trustee for
 8 the District of Nevada (the “UST”), those creditors holding the twenty (20) largest unsecured claims,
 9 the Internal Revenue Service, the Nevada Department of Taxation, the Clark County Treasurer, the
 10 Clark County Assessor, the Department of Employment, Training and Rehab, and those parties which
 11 filed and served on Debtor a request for special notice prior to entry of this Order;

12 And it appearing that no other or further notice of the Application need be provided;

13 And good and sufficient cause appearing therefor;

14 **IT IS HEREBY ORDERED** that the Motion is granted; and

15 **IT IS FURTHER ORDERED** that the time within which Debtor must file its Schedules and
 16 SOFA is extended until February 20, 2014.

17 Prepared and respectfully submitted by:

18 **FOX ROTHSCHILD LLP**

19 By _____
 20 BRETT A. AXELROD, ESQ.
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 21 MICAELA RUSTIA MOORE, ESQ.
 Nevada Bar No. 9676
 22 3800 Howard Hughes Parkway, Suite 500
 Las Vegas, Nevada 89169
 23 *[Proposed] Counsel for Martifer Aurora Solar, LLC*

1 APPROVED/DISAPPROVED:

2 **OFFICE OF THE UNITED STATES TRUSTEE**

3 BY: _____

4 J. Michal Bloom, Trial Attorney
5 300 Las Vegas Blvd. South, Ste. 4300
6 Las Vegas, NV 89101
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9 **CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

10 In accordance with Local Rule 9021, counsel submitting this document certifies that the order
11 accurately reflects the court's ruling and that:

- 12 ☐ The Court has waived the requirement set forth in LR 9021(b)(1).
13 ☐ No party appeared at the hearing or filed an objection to the motion.
14 ☐ I have delivered a copy of this proposed order to all counsel who appeared
15 at the hearing, any unrepresented parties who appeared at the hearing, and
16 each has approved or disapproved the order, or failed to respond, as
indicated below:

17 J. MICHAL BLOOM, OFFICE OF
18 THE UNITED STATES TRUSTEE

19 Approved / Disapproved

- 20 ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy
21 of this order with the motion pursuant to LR 9014(g), and that no party
22 has objected to the form or content of the order.

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